

### REMARKS

Applicant has carefully considered the office action of July 28, 2005 and offers the following remarks to accompany the above amendments.

Applicant herein amends independent claims 1, 32, 33, and 40 to recite that said first degree of adaptation prevents new connections having specific characteristics from being established on said trunk and wherein said specific characteristics relate to whether said new connections are voice or data connections. Support for this amendment can be found in original claim 3 and page 7, lines 1-4 of the specification as originally filed. No new matter is added. Claims 3-6 are amended in light of the amendment to claim 1. Claims 35 and 42 are likewise amended to conform to amended claims 33 and 40. Claims 3, 35, and 42 are also amended to recite that voice connections are prevented and data connections are accepted. Support for this amendment can also be found at page 7, lines 1-4 of the specification as originally filed. Again no new matter is added.

Claims 8, 27, 28, 37, 41, and 43-46 are amended to clarify antecedent basis issues and make the use of "said", "a" and "the" more consistent. No new matter is added. Claims 1-10, 14-29, 32-37, and 39-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ash et al. (U.S. Patent 4,669,113) (hereinafter "Ash"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is located. MPEP § 2143.03. If the Patent Office cannot establish obviousness, the claims are allowable.

As amended, independent claims 1, 32, 33, and 40 recite that said first degree of adaptation prevents new connections having specific characteristics from being established on said trunk and wherein said specific characteristics relate to whether said new connections are voice or data connections. The Patent Office opines that the elements of claim 3 were taught in Ash, col. 13, lines 12-34 and col. 14, lines 17-38. While the passages do indicate that path candidates are checked to see if they are the first choice or subsequent choice, there is no teaching or suggestion within these passages or other portions of Ash that these specific characteristics relate to the voice or data nature of the connection.

Thus, Ash does not teach or suggest the amended claim element. Since Ash does not teach or suggest the amended claim element, Ash does not establish obviousness for the independent claims. Since Ash does not establish obviousness for the independent claims, Ash

cannot establish obviousness for the dependent claims. Applicant requests withdrawal of the § 103 rejection of claims 1-10, 14-29, 32-37, and 39-42 at this time on this basis.

Claims 11-13, 30-31, 38, and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ash in view of Ackerley et al. (U.S. Patent 6,377,677) (hereinafter "Ackerley"). Applicant respectfully traverses. The standards for establishing obviousness are set forth above.

Applicant traverses this rejection for the reasons set forth above. Ash does not teach or suggest the claim element: that said first degree of adaptation prevents new connections having specific characteristics from being established on said trunk and wherein said specific characteristics relate to whether said new connections are voice or data connections. Nothing in Ackerley cures the deficiencies of Ash. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest the claim element, the combination does not establish obviousness for claims 11-13, 30, 31, 38, and 43-48.

Applicant requests reconsideration of the rejections in light of the remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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